

BPS-327

August 4, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-2039**

CHUKWUMA E. AZUBUKO

VS.

EASTERN BANK

(D. DEL CIV. NO.05-CV-00031)

Present: RENDELL, FISHER and VAN ANTWERPEN, Circuit Judges

Submitted are:

- (1) Appellant's motion to reopen appeal; and
- (2) Appellant's motion for leave to appeal in forma pauperis and affidavit in support thereof, pursuant to Rule 24, Federal Rules of Appellate Procedure

in the above-captioned case.

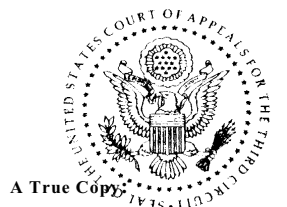
Respectfully,

Clerk

MMW/TRA/zm/par

ORDER

The foregoing motion to reopen this appeal is granted. Appellant's application to proceed in forma pauperis is granted. This appeal is not dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). The Clerk is directed to issue a briefing schedule.



Marcia M. Waldron

Marcia M. Waldron, Clerk

By the Court,

/s/ Franklin S. Van Antwerpen

Circuit Judge

Dated: August 17, 2005

parcc: Mr. C.E.A.